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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,097	01/14/2004	James E. Issler	03820-P0097A	3495
24126	7590	09/22/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			PATTERSON, MARIE D	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			3728	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by either Lyden (5843268) or Aguerre (6237249).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (4309376) in view of either Aguerre (6237249), Koh (5862614), or Harrison (2002/0116843).

Ueno shows a shoe sole and the method of making such from two materials with the same elasticity and hardness (column 2 lines 50-70) substantially as claimed except for the exact pattern of the two materials. Aguerre, Koh, or Harrison show different patterns for soles of footwear which include a first material having a plurality of extensions and another material forming a plurality of discrete sections. It would have been obvious to form the shoe sole of Ueno with a pattern such as those taught by Aguerre, Koh, or Harrison to allow the footwear to have a desired appearance.

Art Unit: 3728

1. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Other useful information can be obtained at the PTO Home Page at [www.uspto.gov](http://www.uspto.gov).

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at (572)272-8300 **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Patterson of Art Unit 3728 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.

A handwritten signature in black ink, appearing to read 'Marie Patterson', with a stylized, flowing script.

Marie Patterson  
Primary Examiner  
Art Unit 3728